

1855-033 SOUTHAMPTON COUNTY
CHANCERY PAPERS

PARKER & RIEVES VS. BARHAM

4/1855

other surnames: Rieves,
Nicholson, Stewart, Butts

Parker Rivers

& } Papers

Barham

Parker & Rivers

v. } Stat. Rules.

Barham

Susan Parker of Martha & Rivers.

Peff

v.

Samuel H. Warham

Deft.

1855. Jan. 22^d Bill &c filed. bond Security given. Sum. & Injon. issued returnable to Feby.
Rtles.

" Feby. R. Sum. &c ret^d. Ca't. Deem nisi v. Deft.

" Mar. R. Bill taken for confessed

" Apl. R. Cause set for hearing &c.

Rivers to Bill
 as
 Barker

1855. Jan. 22. Bond & security given
 Sp. & Inj. on: (paid)

(616 words)

To the Hon. Richard H Baker Judge of the Circuit Court for
the county of Southampton In Chancery

Humbly complaining shew unto your Honor
your complainants Susan Parker and Martha A Kiers
that many years since their father Elith Nicholson died leaving
a widow Ann Nicholson and your complainants and their
brothers and sisters his distributees. That the following
slaves to wit; Feda Lizzy John Estome Harry & Margaret
were allotted to the said widow Ann Nicholson as her
dower slaves and the balance of the estate of the said Elith
Nicholson distributed according to law - That soon
after the said Ann Nicholson becoming indebted con-
veyed her interest in the said dower slaves by deed of trust
to A C Butler to secure the payment of certain debts due to
Richard Stewart and others, and according to the provisions
of said deed the said Butler on the 31st of December 1838
sold her interest in the said slaves at public auction to
Samuel Barkham, taking from the said Barkham a bond in
the penal of Three Thousand dollars payable to himself
conditioned to have the said slaves returned to the persons
entitled to the reversion, at the death of the said Ann Nichol-
son a copy of which bond is herewith filed as a part of this
bill marked (B). That soon after the purchase by the said Sam-
uel Barkham he placed the said slaves in the possession of
his son Samuel H Barkham in whose possession they have
remained ever since - That your complainants and their
brothers Richard & William Nicholson and their brother in
law ~~John~~ ^{John} Stewart who intermarried with their sister
Agnes C. who has since died are entitled to the said slaves
at the death of their mother the said Ann Nicholson
Your complainants have been recently informed that
the said Samuel H Barkham asserts an absolute title
to the said slaves and has offered to dispose of them to be
carried out of the state, and they therefore ~~charge~~ ^{charge} that the

said Samuel H. Barkham will sell the said slaves to be carried beyond the limits of the Commonwealth, unless restrained by the order of this Court. That the said Samuel H. Barkham is not worth a sufficient sum independent of said slaves to indemnify those entitled to the ransoms in the event he should unlawfully dispose of them. That Susan & Harb are the increase of said slaves since the date of this purchase and that the whole of said slaves are of the value of \$35000. That the complainants are advised that it is exceedingly doubtful whether the bond executed by Samuel Barkham to A. C. Butler is of any validity, and that whether it is or not they are entitled to restrain the said Samuel H. Barkham from selling or removing the said slave beyond the Commonwealth of Virginia.

In tender consideration of all which and in as much as your complainants are without remedy in the premises except in a Court of Equity where matters of this kind are cognizable, to the end therefore that justice may be done they pray that Samuel H. Barkham may be made defendant to this bill and answer the allegations therein, and that he be restrained and enjoined from removing or otherwise disposing of the said slaves until the further order of this Court, and that he be compelled to execute bond with sufficient security conditioned to have the said slaves forthcoming at the death of the said Mrs. Nicholson, and that your Honor will grant such other and general relief in the premises as Equity may dictate, and as in and to be found they will ever pray &c. May it please the Court so.

Chambliss & Mapleburg
Attys for Complainants

Superior Court to wit;

This day Susan Parker appeared before me a justice in and for the said County and made oath that the allegations of the above bill are true. Given under my hand this 22nd day of December 1854.

Jno: D. Brown J. P.

On the complainants or some person for them in the clerk's office and before the clerk of the Circuit Court entering into bond with sufficient security in the penalty of five thousand dollars payable to the defendant conditioned to pay all such costs and damages as may be awarded or recovered against them for suing out this injunction or instituting this suit, let an injunction issue to enjoin & inhibit the defendant his agents and all others from removing or permitting to be removed beyond the limits of the Commonwealth of Virginia the slaves in the Bill mentioned until the further order of the Court: and unless the defendant or some person on his behalf shall enter into a bond with sufficient in the penalty of five thousand dollars payable to the complainants in the said clerk's office and before the clerk aforesaid and conditioned to have the said slaves forthcoming to abide

the further order or decree of the Court in relation thereto, then the said sheriff is directed to take possession of the said slaves, and hold out the same monthly or otherwise as to him may seem right, until the further order of the Court, taking bond with sufficient security for the hires, and returning the same to the Court.

Rich. W. Baker

Jan. 4. 1855.

To the clerk of the
Circuit Court of Southampton County.

The Commonwealth of Virginia:

To the Sheriff of Southampton County, Greeting:

We command you to summon

Samuel M Barham

to appear at the Clerk's Office of our Circuit Court of Southampton County, at the Rules to be holden for the said Court, on the first Monday in *February next* — — to answer a bill in Chancery exhibited against *him* — in our said Court by —

Susan Parker & Martha A Reeves

and have then there this Writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Courthouse, this *22nd* day of *January* 1855 in the *79th* year of the Commonwealth.

L R Edwards

To enjoin and inhibit the Defendant his agents and all others from removing or permitting to be removed beyond the ^{limits of the} Commonwealth of Virginia the Slaves Fieda, Kizzy, John, Osborn, Harry, Margaret, Susan & Hark in the bill mentioned until the further order of the Court. And unless the Defendant or some person on his behalf shall enter into bond with sufficient security in the penalty of five thousand dollars, payable to the plaintiffs in the Clerk's Office and before the Clerk of the said Circuit Court of Southampton County, conditioned to have the said Slaves forthcoming to abide the future order of the Court in relation thereto then the said Sheriff is directed to take possession of the said Slaves and hire them out Monthly or otherwise as to him may seem right until the further order of the Court, taking bonds with sufficient security for the hires, and returning the same to the Court - E. W. Massey for the plffs. having entered into bond with sufficient security in the penalty of \$500 conditioned to pay all such costs & damages as may be awarded or recovered against them for doing out this injunction or instituting this Suit.

Teste. J. R. Edwards Clk

Given to the Clerk of the Court, E. W. Massey, Esq. at the Court held at the Court House in the County of Southampton, Virginia, this 1st day of February 1855. The within document is a copy of the petition of the said Slaves, Harry, Margaret, Susan & Hark, against the Defendant, John & Kizzy, not found due to be done: as do not demand, I have never seen them taken possession of, for the same reason of the year: I have with returned the bond for same here.

J. R. Edwards

1855 February Rules

Backward

Sp. 1 Injunct.

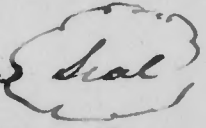
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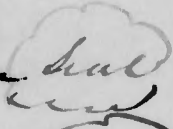
Sam^l. H. Barham &
To & bond
Sam^l. Hille shff.
for the benefit of

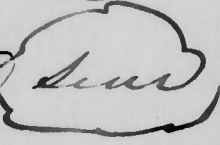
£ 256.68

256. 68

On and the 25th. day of December next
We Samuel H. Barham and C. W. Barham and
Mr. B. Westbrook - are held & firmly bound unto
Samuel Wells Shff. of S.ampton County for the benefit
of _____ in the just and full
sum of Two Hundred & fifty Six Dollars and fifty
Eight Cents for the hire of Servants Osborn, Mary,
Margaretta, Susan & Mark, for the balance of this
year, the said Negroes are to be furnished with
usual clothing a hat & blanket ~~and~~ a good pr. of shoes
and socks each, and to be returned to the said
Samuel Wells Shff. at the end of the year. For the
true payment whereof we bind ourselves our heirs
&c. Witness our hands & seals this 1st. day of
Feby. 1855.

Saml. H. Barham 

C. W. Barham 

Mr. B. Westbrook 

Parker & Co

to } Injow. bond

Barkham

Know all men by these presents that we E. W. Moseburne & Thomas N. Briggs
are held and firmly bound unto Samuel
St Barham in the just and full sum of Five hundred dollars: to the payment whereof
well and truly to be made we bind ourselves our heirs Executors and Administrators jointly
and severally firmly by these presents. Sealed with our seals and dated this 22^d
day of January 1855

The Condition of the above obligation is such that
whereas Susan Parker & Martha A Rives have obtained from the Judge of the
Circuit Court of Southampton County an Injunction to injoin and inhibit the said Samuel
St Barham his agents and all others from removing or permitting to be removed beyond the
limits of the Commonwealth of Virginia the slaves Feda, Kizzy, John Osborne, Henry,
Margaret, Susan & Mark in the bill mentioned until the further order of the Court -

Now if the said Susan Parker & Martha A Rives shall pay all such costs and
damages as may be awarded or recovered against them for doing out the said injunction
or instituting the said suit then the above obligation to be void or else to remain in full
force and virtue.

Witness

L R Edwards,

E W Moseburne

Thos. N. Briggs

(Seal)

(Seal)

The above bond was entered into & acknowledged before me in my Office as Clerk of the
Circuit of the Circuit Court of Southampton County on this 22^d day January 1855.

L R Edwards Clk

Know all men by these presents that we

are held and firmly bound unto Susan

Parker and Martha A Reeves in the just and full sum of five thousand dollars: to the payment whereof well and truly to be made we bind ourselves, our heirs, Executors and administrators jointly and severally by these presents. Sealed with our Seals and dated this day of 185

The Condition of the above obligation is such that whereas the above named Susan Parker and Martha A Reeves have obtained from the Judge of the Circuit Court of Southampton County an injunction to injoin and inhibit the above bound Samuel H. Barham his agents and all others from removing or permitting to be removed beyond the limits of the Commonwealth of Virginia the slaves in the bill mentioned To wit, Fido, Niggy, John, Osborn, Harry, Margaret, Susan & Mark until the further order of the Court. And it was ordered that unless the said Samuel H. Barham or some person on his behalf shall enter into bond with sufficient security in the penalty of five thousand dollars payable to the Complainants in the Clerk's office of the said Court, and before the Clerk of the said Court, conditioned to have the said slaves forthcoming to abide the future order ^{or decree} of the said Court in relation thereto, then the Sheriff of Southampton County is directed to take possession of the said slaves and have out the same monthly or otherwise, as to him may seem right, until the further order of the Court, taking bonds with sufficient security for the hires and returning the same to the Court. Now if the said Samuel H. Barham shall have the slaves aforesaid forthcoming to abide the future order or decree of the Court aforesaid in relation thereto then the above obligation to be void or else to remain in full force and virtue.

Seal

Seal

Seal

The above bond was entered into and acknowledge before me in my Office as Clerk of the Circuit Court of Southampton County on this day of 185

Clerk's Office of the Circuit Court of Southampton County. & day of

185

The within named

Securities to the within bond, this day, made oath before me, Clerk of the Court aforesaid, that
estate after the payment of just debts worth five thousand dollars, the penalty of
the within bond. Given under my hand this day & year aforesaid.